



FILED/ACCEPTED

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November 7, 2006

Federal Communications Commission
Office of the Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition of Cingular Wireless, LLC for Designation as an Eligible
Telecommunications Carrier in the Commonwealth of Virginia -
~~CONFIDENTIAL TREATMENT REQUESTED~~

REDACTED

Dear Ms. Dortch:

Cingular Wireless LLC ("Cingular") hereby submits an original and four redacted copies of its Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia (the "Petition"). Attached to the original of this letter is the confidential version of this filing. Cingular requests confidential treatment under Section 0.459 of the Commission's rules¹ of Exhibit E (Cingular's Five-Year Service Improvement Plan). This attachment is labeled "Confidential - Not for Public Inspection."

Exhibit E contains proprietary company information not available to the public, including information that is competitively sensitive about Cingular's future plans for building out its network.

As required by Section 0.459(b) of the Commission's rules, Cingular provides the following information regarding its request for confidential treatment:

1. Confidential treatment is requested for all information contained in Exhibit F.
2. This information is submitted as Exhibit E to Cingular's Amendment filed herewith in the Commission's universal service docket, CC Docket No. 96-54.
3. The information being submitted is commercially and financially sensitive and is privileged. Exhibit E provides detailed financial information regarding how Cingular intends to spend universal service funds in certain wire centers over the next five years. Also, Exhibit E provides information regarding capital expenditures and network improvements that would be made using universal service funds.

¹ 47 C.F.R. § 0.459.

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4. The wireless industry is highly competitive.²
5. The release of such information will cause substantial competitive harm to Cingular. Disclosure of Cingular's five year plans for its expenditures of universal service funds would give Cingular's competitors access to privileged information that would affect the actions of those competitors. Competitors seeking to compete with Cingular could upgrade their networks in an attempt to, for example, preempt Cingular's planned upgrades. Also, by providing information about where Cingular intends to expand coverage, Cingular could expose itself to predatory practices by tower owners and potential tower site owners in areas where it has committed to add cell sites.
6. Cingular considers the information in Exhibit E to be proprietary and confidential and does not distribute such information to any party outside of the company, with the exception of outside counsel.
7. The information in Exhibit E is not available to the public and has not been disclosed to any other third party, with the exception of outside counsel.
8. The information provided in Exhibit E should never be released for public inspection, as this document contains proprietary company information that is competitively and financially sensitive. Even after the five-year term of the plan expires, Cingular would not reveal to its competitors the amount of money it has spent in the past in certain wire centers. At a minimum, the information should be kept confidential for a period of ten years.

For the foregoing reasons, Cingular respectfully requests that the Commission provide for confidential treatment of Exhibit E.

If you have any questions regarding this supplemental information or the confidentiality request, please contact the undersigned.

Respectfully submitted,


Michael P. Goggin

cc: Thomas Buckley
Jeremy Marcus

² See, e.g., *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, Eighth Report*, 18 F.C.C.R. 14783, 14812 (2003) ("Continued downward price trends, the continued expansion of mobile networks into new and existing markets, high rates of investment, and churn rates of about 30%, when considered together with the other metrics, demonstrate a high level of competition for mobile telephone consumers."); *Ninth Report*, 19 F.C.C.R. 20597, 20600-01 (2004) ("[C]ompetition is robust in terms of the current number of competitors per market ..." and "[i]ndicators of market performances show that competition continues to afford many significant benefits to consumers.").

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Federal-State Joint Board) CC Docket No. 96-45
on Universal Service)
Petition of Cingular Wireless LLC for)
Designation as an Eligible Telecommunications)
Carrier Pursuant to Section 214(e)(6) of the)
Communications Act)
To: The Commission

**PETITION OF CINGULAR WIRELESS LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE COMMONWEALTH OF VIRGINIA**

Cingular Wireless LLC ("Cingular"), on behalf of itself and its affiliated licensee entities in Virginia and pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"), respectfully requests Designation as an Eligible Telecommunications Carrier ("ETC") in the Commonwealth of Virginia. As demonstrated below, Cingular meets all of the statutory and regulatory prerequisites for ETC designation in the requested areas and its designation will serve the public interest.

I. BACKGROUND

Cingular is a Delaware limited liability company whose principal place of business is located in Atlanta, Georgia. All correspondence regarding this proceeding should be directed to the undersigned counsel for Cingular:

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Cingular requests designation on behalf of itself and the following subsidiary licensees:
New Cingular Wireless PCS, LLC; Orange Licenses Holding, LLC; and, Triton License Newco, LLC. A list of the licenses and holding entities is attached as Exhibit B.

Cingular requests designation as an ETC in forty-seven Verizon wire centers. These wire centers are identified in Exhibit C. Cingular also requests designation as an ETC in eight rural study area codes ("SACs"). Cingular's request is for designation throughout these SACs. The rural SACs in which Cingular seeks ETC designation are identified specifically in Exhibit D.

As demonstrated herein, Cingular provides all of the services and functionalities supported by the federal universal service programs enumerated in 47 C.F.R. § 54.101(a)(1)-(9) throughout its license service areas in Virginia. Cingular will use high-cost support for the provision, maintenance, and upgrading of the facilities and the services for which universal service is intended. Cingular will use low-income universal service support for the provision of Lifeline and Link-Up discounted service to qualifying low-income consumers. Cingular will also comply with all of the additional requirements, including the annual reporting requirements in the Federal Communication Commission's ("FCC" or "Commission") *ETC Report and Order*.¹

¹ *Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371 (2005) ("ETC Report and Order"). See also Exhibits A.*

II. CINGULAR SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS A FEDERAL ETC

Cingular satisfies each of the statutory and regulatory prerequisites set forth in the Act, the Commission's Rules and Orders,² and the *Public Notice*³ to be designated as a federal ETC in the Commonwealth of Virginia.

A. The Virginia Corporation Commission Has Provided an Affirmative Statement That It Does not Regulate CMRS Carriers

The FCC performs ETC designations in cases where the applicant carrier is not subject to the state's jurisdiction.⁴ The FCC requires an ETC applicant to demonstrate that it "is not subject to the jurisdiction of a state commission" to receive designation as an ETC from this Commission.⁵ The Virginia Corporation Commission has previously found that it lacks jurisdiction to designate wireless providers as ETCs. The Virginia Commission has affirmatively found that section "214(e)(6) of the Act is applicable" to CMRS carriers' petitions for ETC designation in Virginia, and directed applicants to "apply to the FCC for ETC designation."⁶ Thus, the FCC has jurisdiction to act on this request.

² *Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, 19 FC Rcd 1563 (2004) ("Virginia Cellular"); *Federal State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, 19 FCC Rcd 6422 (2004) ("Highland Cellular"); *ETC Report and Order*.

³ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, *Public Notice*, 12 FCC Rcd 22947 (1997) ("Public Notice").

⁴ 47 U.S.C. § 214(e)(6).

⁵ *Public Notice*, 12 FCC Rcd at 22948.

⁶ See Order in Case No. PUC010263, *Application of Virginia Cellular LLC for Designation as an Eligible Telecommunications Provider* (Va. Corp. Comm'n 2002) (attached as Exhibit H).

B. Cingular is a Common Carrier

Cingular certifies that it is a "common carrier" under 47 U.S.C. § 214(e)(1) and 214(e)(6) for purposes of ETC designation.

C. Cingular Offers the Services and Functionalities Supported by the Federal High-Cost and Low-Income Universal Service Program Using Its Own Facilities

Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that a carrier designated as ETC shall, throughout their service area, (1) offer the services that are supported by the federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and (2) advertise the availability of such services and the charges therefore using media of general distribution.⁷ The services which are supported by the federal USF are:

- (1) voice-grade access to the public switched telephone network;
- (2) local usage;
- (3) dual-tone multi-frequency signaling or its functional equivalent;
- (4) single-party service or its functional equivalent;
- (5) access to emergency services;
- (6) access to operator services;
- (7) access to interexchange service;
- (8) access to directory assistance; and
- (9) toll limitation for qualifying low-income consumers.⁸

Cingular provides all of the nine supported services using its own facilities in satisfaction of the requirements of Section 214(e)(1) of the Act. Cingular accepts the obligation to offer these supported services throughout its ETC designated area in the Commonwealth of Virginia upon reasonable request in full compliance with the obligation of an ETC.

⁷ 47 U.S.C. §214(e)(1); 47 C.F.R. §54.201(d)

⁸ 47 C.F.R. § 54.101(a)(1)-(9).

Voice Grade Access. "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. The FCC has determined that voice grade access to the public switched telephone network means the ability to make and receive calls with a minimum bandwidth of 300 to 3000 Hertz.⁹ Through its interconnection agreements with local exchange carriers (LECs) in Virginia, Cingular's customers are currently able to make and receive calls on the public switched telephone network within the specified bandwidth.

Local Usage. "Local usage" is defined as an amount of minutes of use of exchange service, as prescribed by the FCC, provided without an additional charge to end users. 47 C.F.R. §54.101(2). In its *ETC Order* the FCC provided further guidance on this measure and requires an ETC Applicant to "demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation."¹⁰ While the FCC has declined to adopt a specific local usage threshold, it instead requires that the local usage plan of an ETC applicant be reviewed on a case-by-case basis.

Cingular is committed to providing all its 57.3 million customers with valuable calling plans and believes that its calling plans are comparable in value to those offered by the incumbent LEC. Calling plans cannot be compared solely on price, but must also consider calling scope and the additional features and functionalities offered. Cingular's current calling plans offer consumers numerous benefits including the inherent mobile nature of wireless service. Further, Cingular's "local" calling area is much broader than the incumbent LEC. For

⁹ *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8810-11 ¶¶63-64 (1997) ("First Report and Order").

¹⁰ 47 C.F.R. § 54.202(a)(4).

example, customers that currently choose the Cingular Nation GSM or the FamilyTalk calling plans never pay additional roaming or long distance charges in the United States and are served by the largest voice and data network in America. Thus, all calls from anywhere on the Cingular network to anywhere else in the United States are "local" calls for these customers. Also, the calling plans currently offered by Cingular include numerous features that are available at no additional charge, such as: Voicemail, Caller ID, Call Forwarding, Call Waiting, Detailed Billing, and Three-Way Calling. Moreover, the majority of post-paid calling plans currently offered include either unlimited nights and weekend minutes or generous night and weekend minute packages, along with unlimited mobile calling between Cingular customers, and the ability of customers to Rollover unused minutes for use in subsequent months. Examples of Cingular's calling plans are attached as Exhibit F.

Dual Tone Multi-frequency Signaling or its Functional Equivalent. "DTMF" is a method of signaling that facilitates the transportation of call set-up and call detail information. DTMF makes "touchtone" dialing possible by facilitating the transportation of signaling through the network. The FCC has recognized that "wireless carriers use out-of-band signaling mechanisms...[It] is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling."¹¹ Cingular currently uses out-of-band digital signaling and in-band multi-frequency signaling that is the functional equivalent to DTMF signaling, in accordance with the FCC's requirements.

Single party Service. "Single-party service" permits the exclusive use of a particular subscriber loop or access line by a single subscriber. The FCC has determined that a CMRS provider meets the requirement of offering single party service when it offers a dedicated

¹¹ *Universal Service Order*, 12 FCC Rcd at 8814-15 ¶71.

message path for the length of a user's particular transmission.¹² Cingular meets the requirement of single-party service in all of its service offerings by providing a dedicated message path for the length of a user's wireless transmission.

Access to Emergency Services. "Access to emergency service" means the ability to reach a public service answering point ("PSAP") by dialing "911". The FCC requires that a carrier must provide access to enhanced 911 or "E911", which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), when the PSAP is capable of receiving such information and the service is requested from the carrier.¹³ Cingular currently provides its voice customers in Virginia with the ability to access emergency services by dialing "911". Cingular is also capable of delivering ANI and ALI information over its existing network and is in compliance with all applicable federal E911 requirements.

Access to Operator Services. "Access to operator services" means any automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call.¹⁴ Cingular meets this requirement by providing access to operator services to its customers by dialing "0".

Access to Interexchange Services. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls. Cingular currently meets this requirement by providing all of its subscribers with the ability to make and receive interexchange or toll calls.

¹² 47 C.F.R. 54.101(a)(4); *Universal Service Order*, 12 FCC Rcd at 8810 ¶62.

¹³ 47 C.F.R. §20.18(j); *Universal Service Order*, ¶73

¹⁴ 47 C.F.R. §54.101(a)(6); *Universal Service Order*, ¶75

Directory Assistance. "Access to directory assistance" means the ability to provide access to a service that makes directory listings available.¹⁵ Cingular currently meets this requirement by providing its customers access to directory assistance by dialing "411".

Toll Limitation. "Toll limitation" includes the offering of either "toll control" or "toll blocking" to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls.¹⁶ An ETC is not required to provide both services if the carrier is incapable of providing both.¹⁷ Once designated as an ETC, Cingular will participate in the Lifeline and Link Up programs for qualifying low-income customers. The Lifeline calling plan that Cingular intends to offer does not make a distinction between local and toll calls within the United States. If for any reason Cingular changes that offer, it will meet the toll limitation requirement by providing toll blocking.

C. Cingular Will Provide the Supported Services Using its Own Facilities or a Combination of Its Own Facilities and Resale of Another Carrier's Services

Cingular certifies that it will provide the supported services using its own facilities or a combination of its own facilities and the resale of another carrier's service. Cingular primarily will use its own network infrastructure, which includes the same antennae, cell-sites, towers, trunking, mobile switching and interconnection facilities used to serve its existing customers.

D. Cingular Will Advertise the Availability of and Charges for its Universal Service Qualifying Offerings

Cingular certifies that it will advertise the availability of the supported services and the corresponding rates and charges in a manner designed to inform the general public within its

¹⁵ 47 C.F.R. 54.101(a)(8).

¹⁶ 47 C.F.R. §54.400(b)-(d); *Universal Service Order*, 12 FCC Rcd at 8821-22 ¶82.

¹⁷ 47 C.F.R. §54.400(d).

designated ETC service areas. This advertising will occur through some combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.

E. Cingular Meets the Additional Eligibility Criteria Adopted by the FCC in the Recent *ETC Report and Order*

The FCC's *ETC Report and Order* placed additional requirements on carriers seeking ETC designation from the FCC. Specifically an Applicant must: (1) commit to provide service throughout the ETC designated area to all customers making a reasonable request; (2) demonstrate the ability to remain functional in an emergency; (3) demonstrate that it will satisfy the applicable consumer protection and service quality standards; (4) show that it offers local usage plans comparable to the one offered by the incumbent LEC; and, (5) certify that it may be required to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.¹⁸

1. Commitment to provide service throughout the ETC designated area

a. Providing service upon reasonable request

Cingular commits that if a request is made by a potential customer within its existing network coverage Cingular will provide service immediately using its standard customer equipment and service offerings. If a potential customer requests service within Cingular's designated area, but outside its existing network coverage, Cingular will follow the six-step process specified in 47 C.F.R. § 54.202(a)(1)(A). Specifically, Cingular will determine if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another

¹⁸ 47 C.F.R. § 54.202(a).

carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

Cingular also commits to reporting to the FCC, annually, the number of request for service within Cingular's ETC designated service area that were unfulfilled during the past year and providing details regarding how it attempted to provide the customer with service.¹⁹

b. Five year plan

Cingular's five-year plan is attached as Exhibit E and it depicts the increased capital expenditures and corresponding increases in coverage that residents in high-cost areas of Virginia will enjoy if Cingular is granted ETC status. Also, when relevant, the plan includes estimates of maintenance and upgrade costs as some of the wire centers do not require new construction for each year in the five-year period. The information contained in this plan is highly confidential and competitively sensitive; therefore, Cingular requests that the Commission grant it confidential treatment in accordance with section 0.459 of the Commission's Rules. Cingular has to the best of its ability provided estimated completion dates for the improvements; however, the timing for the construction of a cell site or other network improvements depends on numerous variables and thus is subject to change. Cingular is also committed to providing, annually, a progress report on its five-year plan at the wire center level.²⁰

2. *Ability to remain functional in an emergency*

Cingular is committed to providing and maintaining essential telecommunications services in times of emergency. Indeed, there are numerous actions Cingular has taken for

¹⁹ See 47 C.F.R. § 54.209(a)(3).

²⁰ See 47 C.F.R. § 54.209(a)(1).

emergency preparedness. For example, Cingular has battery backup and/or permanent generators at the majority of its cell sites.²¹ In addition, portable generators are available for deployment in the state and most sites are equipped to accept "plug in" portable power. Generators are located at all switch locations. Cingular also has monitoring systems in place so that it quickly knows if any switches or cells sites are not functioning properly. Although wireless carriers remain dependent on the wireline network for voice and data circuits that provide connectivity between the cell site and the switch, from switch to switch, between the wireless network and the landline network, and for IT system connectivity, Cingular has available portable back-up microwave equipment to connect sites to the switching center in the event of a long term outage of leased landline facilities.²² Further, most of Cingular's cell sites are constructed to allow for quick channel addition in the event of traffic spikes from emergency situations.

Cingular also has cell sites on wheels ("COWs") in varying configurations for emergency or temporary deployment in Virginia. Cingular has deployed the COWs in the past in response to natural disasters.

Further, Cingular has the ability to reroute traffic from its switches to the Public Switched Telephone Network ("PSTN"). Specifically, Cingular's switches have redundant and diverse paths to the PSTN. In the event of a facility failure on one path to the PSTN, calls are redirected to the redundant route without a major disruption in service.

Cingular takes major outages caused by a natural or other disaster very seriously. In fact, Cingular has recently invested \$50 million to manage Cingular's emergency response

²¹ Not all cell sites are appropriate for generators.

²² In the aftermath of Hurricane Katrina, Cingular set up microwave technology to decrease its dependence on landline providers.

nationwide. Cingular's goal is to be as prepared as possible whenever and wherever disaster hits; to be able to restore any wireless service outages as quickly as possible; and to assist with overall relief efforts, wherever they may occur, as much as possible. In this regard, Cingular has recently conducted mock disaster drills and unveiled its Mobile Access Command Headquarters (MACH 1 and MACH 2) vehicles to manage relief and recovery efforts. These fully equipped, completely self-sufficient centers can be deployed into affected areas. These vehicles have generators, a satellite dish for constant communications, LAN connectivity and a PBX phone system. Assisting with recovery efforts are two emergency communications SUVs with military-grade satellite communications systems for Internet access, multi-channel VOIP and radio communications.²³

In accordance with the FCC's rules, Cingular will annually certify that it is able to function in emergency situations.²⁴ Further, Cingular will fulfill the annual outage reporting requirements.²⁵

3. Applicable consumer protection and service quality requirements

The Commission has acknowledged that a commitment by a wireless ETC applicant to comply with the CTIA Consumer Code for Wireless Service ("CTIA Code") will satisfy the requirement to abide by the applicable consumer protection and service quality standards.²⁶ Cingular has adopted the CTIA Code and is committed to compliance with the CTIA Code throughout its service areas, including those areas where it is seeking designation as an ETC.

²³ As Cingular demonstrated in the aftermath of Hurricane Katrina (as well as Rita and Wilma), it has extensive emergency response and contingency plans in place in the event of a catastrophic disaster.

²⁴ See 47 C.F.R. § 54.209(a)(6).

²⁵ See 47 C.F.R. § 54.209(a)(2).

²⁶ See 47 C.F.R. 54.202(a)(3).

Cingular also exceeds the CTIA Code in several respects. For example, Cingular exceeds the 14-day "no-risk" trial period set forth in the CTIA Code by providing a 30-day trial period. In addition, Cingular has instituted other consumer-friendly measures such as the Cingular Service Summary ("CSS") which summarizes for each customer important elements of his or her service, such as calling plan details, first bill and ongoing bill estimator, listing of important standard charges and of Cingular's policies. Customers that purchase service at a Cingular store receive a customized CSS and customers that purchase through other means receive a similar document in the mail.

The Commission further requires that ETCs provide the Commission, annually, with the number of consumer complaints per 1,000 handsets.²⁷ Cingular is committed to fulfilling this requirement and will provide the Commission with aggregated FCC complaint data for the Commonwealth of Virginia.

4. Local usage comparable to the incumbent LEC

As described in section II.B. above, Cingular is committed to providing calling plans with local usage that is comparable or significantly better than that provided by the local exchange carrier.

5. Provide equal access to long distance carriers if no other ETC is doing so

In accordance with section 54.202(a)(5), Cingular acknowledges that it may be required to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

²⁷ See 47 C.F.R. 54.209(a)(4).

III. DESIGNATING CINGULAR AS A COMPETITIVE ETC WILL SERVE THE PUBLIC INTEREST

Designating Cingular as an ETC in Virginia will provide consumers with the benefits of increased competitive choice and advantageous service offerings. For instance, universal service support will enable Cingular to construct facilities to improve quality of service and extend telephone service to individuals and businesses that currently have no choice of telephone provider.²⁸ Once designated, Cingular commits to use the support it receives for network expenditures for the provision, maintenance, and upgrading of its facilities and services within the designated area. Specifically, as demonstrated herein, Cingular will use the support to build a number of new cell sites and other infrastructure. Cingular will also use support for other projects for the facilities and services for which the support is intended, to improve the reliability and capacity of wireless service in the supported areas. As described above, Exhibit E provides a five-year plan with estimates as to how the funding will be used in each wire center. Cingular takes seriously the service responsibility that comes with ETC designation and will use the support it receives to help fulfill this responsibility.

Cingular will use support to offer a basic universal service package to subscribers who are eligible for Lifeline support, and has made a detailed commitment herein to provide high-quality service throughout the proposed service areas. The mobility of Cingular's wireless service will provide further benefits to consumers, such as access to emergency services in geographically isolated areas.

In addition, Cingular's designation as an ETC will bring more customers the benefits of Cingular's advanced nationwide network, which offers a feature-rich service and data and

²⁸ See *supra* Section II.E.1.b.

Internet-based services in many areas.²⁹ Although data is not a supported service, and Cingular will not use universal service funds for data deployment, the availability of mobile data services on Cingular's network is a public interest benefit to subscribers of Cingular's universal service offering.

Further, Cingular will comply with the CTIA Consumer Code for Wireless Service,³⁰ and has agreed to provide a report of the number of complaints it receives in Virginia per 1,000 handsets on an annual basis. Cingular will annually submit information, as required by the rules, detailing how many requests for service from potential customers were unfulfilled for the past year.

IV. SERVICE AREA FOR DESIGNATION

Cingular requests designation in a service area in Virginia composed of 47 non-rural wire centers (identified in Exhibit C) and 8 rural study areas (identified in Exhibit D). Cingular does not request redefinition of any rural study areas.

V. HIGH-COST CERTIFICATION

As the Virginia Corporation Commission does not regulate wireless carriers seeking ETC designation, Cingular thus submits its high-cost certification to the FCC. As such, a copy of Cingular's High-Cost Certification is attached as Exhibit G.

VI. ANTI-DRUG ABUSE CERTIFICATION

Cingular's anti-drug abuse certification is included in the Declaration attached as Exhibit

A.

²⁹ Cingular's nationwide GSM network has the benefit of being based on the global standard for interconnected mobile voice service and offers a simple migration path for meeting the demand for new services during the conversion to a true 3G network. Additionally, Cingular is currently in the process of transitioning its EDGE data network to the Universal Mobile Telecommunications System ("UMTS") with High Speed Downlink Packet Access ("HSDPA").

³⁰ See *supra* Section II.E.3.

VII. CONCLUSION

Cingular respectfully requests that the Commission designate Cingular as a federal ETC in each of the wire centers set forth in Exhibits C and D attached hereto.

Respectfully submitted,

CINGULAR WIRELESS LLC

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By: 

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Its Attorneys

November 6, 2006

Exhibit A

DECLARATION OF CINGULAR WIRELESS LLC

I, Christopher Penrose, after first being sworn on oath, and pursuant to 47 C.F.R. § 1.1 states as follows:

1. That I am Vice President/General Manager for Virginia and West Virginia for Cingular Wireless LLC (the "Company"). My business address is 4801 Cox Road, 3rd Floor, Glen Allen, VA 23060.

2. In my capacity as Vice President/General Manager for Virginia, I am an authorized representative of the Company and its subsidiary licensees (collectively "Cingular") regarding Cingular's Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia ("Petition"), as listed in Exhibit B to the Petition. I have read Cingular's Petition and believe that the information therein to be true and correct to the best of my knowledge.

3. Cingular is a commercial mobile radio services ("CMRS") licensee authorized by the Federal Communications Commission ("Commission") throughout the licensed service areas wholly or partially within the Commonwealth of Virginia listed in Exhibit B to the Petition (collectively, "License Service Areas").

4. As discussed in the Petition, the Commonwealth of Virginia has provided an affirmative statement that it does not regulate CMRS carriers and thus the Federal Communications Commission has jurisdiction to act on this request. Exhibit H is the Virginia Corporation Commission's decision that it will not exercise jurisdiction over CMRS providers for the purpose of designating the carrier as eligible telecommunications carrier ("ETC") for receiving federal universal service funding.

5. As set forth below, Cingular meets all of the prerequisites to be designated as a federal ETC throughout its requested ETC service areas in the Commonwealth of Virginia.

6. First, Cingular is a "common carrier" as set forth in the Petition.

7. Second, Cingular currently provides CMRS in the Commonwealth of Virginia and will provide all of the supported service specified in 47 C.F.R. § 54.101(a)(1)-(9) in its requested ETC service areas. Cingular currently provides the nine supported services listed below in its Licensed Service Areas, as described in the Petition:

(a) Voice Grade Access.

(b) Local Usage (see additional information below).

(c) Dual Tone Multi-Frequency Signaling or Its Function Equivalent

- (d) Single-Party Service or its Functional Equivalent.
- (e) Access to Emergency Service.
- (f) Access to Operator Services.
- (g) Access to Interexchange Service.
- (h) Access to Directory Assistance.
- (i) Toll Limitation Services.

8. Third, Cingular will provide the supported services using its own facilities or a combination of its own facilities and the resale of another carrier's service. Cingular will primarily utilize its own network infrastructure, which includes the same antennae, cell-sites, towers, trunking, mobile switching, and interconnection facilities used to serve its existing customers.

9. Fourth, Cingular will advertise the availability of, and charges for, its universal service qualified offerings using media of general distribution.

10. Fifth, Cingular meets the additional eligibility criteria adopted by the FCC in the recent *ETC Report and Order*.¹

a) Cingular commits to provide service throughout the ETC designated area upon reasonable request. If a request is made by a potential customer within its existing network coverage, Cingular will provide service immediately to that customer. If a potential customer requests service within Cingular's designated ETC service area, but outside its existing network coverage, Cingular will follow the six-step process specified in 47 C.F.R. §54.202(a)(1)(A). Cingular's five-year plan for improvements and upgrade for each wire center in which it seeks to be designated as an ETC is attached as Exhibit E.

b) Cingular is committed to providing and maintaining essential telecommunications services in times of emergency. As described in the Petition, provisions for emergency situations include back-up batteries at the majority of its cell sites and at all switches, use of mobile cell sites and other equipment, and redundant transport facilities to connect switches to the public switched telephone network.

c) Cingular will comply with the CTIA Consumer Code for Wireless Service. The Commission has acknowledged that a commitment by a wireless Applicant to comply with the CTIA Code will satisfy an Applicants requirement to abide by the applicable consumer protection and service quality standards.

¹ In the Matter of Federal-State Joint Board on Universal Service, Report and Order, ("ETC Report and Order"), CC Docket No. 96-45, (rel. March 17, 2005).

d) Cingular offers calling plans that provide customers local usage that is comparable to the incumbent LEC when taking into account all of the additional benefits of Cingular's current service offerings. Cingular currently offers post-paid calling plans that include free long distance and roaming within the United States and customers are served by the largest voice and data network in America. Most of Cingular's currently offered post-paid calling plans include unlimited nights and weekend minutes, while some of the lower priced plans offer generous bundled night and weekend minutes packages. Most currently offered post-paid calling plan offer unlimited mobile calling between Cingular customers, and allow the customer to Rollover unused minutes for use in subsequent months. Further, Cingular's calling plans currently offer all of the following features at no extra charge: Voice Mail, Caller ID, Call Forwarding, Call Waiting, Detailed Billing, and Three-Way Calling. In addition to these calling plans, Cingular also offers an option for prepaid or pay-as-you-go wireless service. All of Cingular's calling plans include the additional feature of mobility that is not available from the incumbent LEC and increases the value of Cingular's calling plans compared to the LEC's.

e) Cingular acknowledges that it may be required to provide equal access to long distance carriers within its designated service area in the event that no other ETC is providing equal access in that area.

11. Sixth, Cingular will utilize the high-cost universal service support it receives only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. As an ETC, Cingular also will offer Lifeline and Link Up telecommunications services to qualified low-income subscribers within its designated ETC service areas, per the Commission's Rules.

12. Seventh, Cingular will comply with all of the required annual reporting requirements associated with being an ETC.

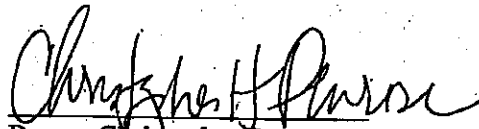
13. Cingular requests designation as a federal ETC in each of the Verizon wire centers set forth in Exhibit C and each rural Study Area Code ("SAC") in Exhibit D. Cingular does not seek redefinition of any rural study areas.

14. Finally, designation of Cingular will serve the public interest as described in the Petition.

15. ANTI-DRUG ABUSE CERTIFICATION. To the best of my knowledge, no party to the Petition, nor any of their officers, directors, or persons holding 5% of more of the outstanding stock or shares (voting and/or non-voting) as specified in 1.2002(b) of the Commission's rules, are subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse of 1988, 21 U.S.C. § 862.

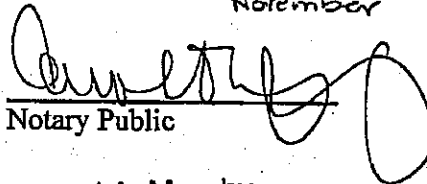
I hereby certify under penalty of perjury that the foregoing is true and correct to the best my knowledge.

Executed on ^{NOVEMBER} ~~October~~ 3, 2006.

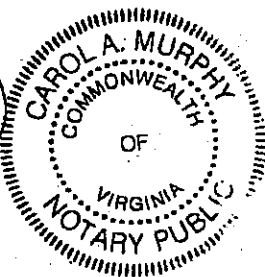


By: Christopher Penrose
Title: Vice President/General Manager

Subscribed and sworn to before me
This 3rd day of ~~October~~ ^{November}, 2006.


Notary Public

Carol A. Murphy
My Commission Expires
December 31, 2009



County of Henrico
State of Virginia

EXHIBIT B

Licensee	Own %	CALL SIGN	Market #	BLOCK	MARKET NAME
Edge Mobile, LLC	85	WQDU932	BTA324	C	Norfolk-Virginia Beach-Newport News-Hampton, VA
Edge Mobile, LLC	85	WQDU939	BTA374	C	Richmond-Petersburg, VA
Edge Mobile, LLC	85	WQDU940	BTA376	C	Roanoke, VA
New Cingular Wireless PCS, LLC	100	KNLF220	MTA010	B	Washington-Baltimore
New Cingular Wireless PCS, LLC	100	KNLF245	MTA023	A	Richmond-Norfolk
Orange Licenses Holding, LLC	100	KNKA243	CMA008	A	Washington, DC-MD-VA
Orange Licenses Holding, LLC	100	KNKN634	CMA692	A	Virginia 12 - Caroline
Orange Licenses Holding, LLC	100	KNKN662	CMA691	A	Virginia 11 - Madison
Orange Licenses Holding, LLC	100	KNKN838	CMA690	A	Virginia 10 - Frederick
Orange Licenses Holding, LLC	100	WPZY690	BTA461	C	Washington, DC
Triton License Newco, LLC	100	WPOI204	MTA010	B	Washington-Baltimore
Triton License Newco, LLC	100	WPOI206	MTA023	A	Richmond-Norfolk
Triton License Newco, LLC	100	WPOI244	MTA023	A	Richmond-Norfolk
Triton License Newco, LLC	100	WPOK627	BTA156	C	Fredericksburg, VA
Triton License Newco, LLC	100	WPOK639	BTA266	C	Lynchburg, VA
Triton License Newco, LLC	100	WPOK644	BTA284	C	Martinsville, VA
Triton License Newco, LLC	100	WPOK660	BTA430	C	Staunton-Waynesboro, VA
Triton License Newco, LLC	100	WPUZ357	BTA075	C	Charlottesville, VA
Triton License Newco, LLC	100	WPUZ358	BTA479	C	Winchester, VA
Triton License Newco, LLC	100	WPWH949	MTA023	A	Richmond-Norfolk
Triton License Newco, LLC	100	WPWL459	BTA156	C	Fredericksburg, VA
Triton License Newco, LLC	100	WPWL460	BTA104	C	Danville, VA
Triton License Newco, LLC	100	WPWL462	BTA266	C	Lynchburg, VA

EXHIBIT C

SAC CODE	STUDY AREA
190233	Verizon South Inc.-VA (Contel)
CLLI	Wire Center
INHLVAXA	INDEPENDENT HILL
DLCYVAXA	DALE CITY
BWLGVAXA	BOWLING GREEN
CLBHVAXA	COLONIAL BEACH
DAWNVAXA	DAWN
KGGRVAXA	KING GEORGE
KGWLVAXA	KING WILLIAM
LRTNVAXA	LORTON
MNSSVAXA	MANASSAS
OCQNVAXA	OCOCOQUAN
TPHNVAXA	TAPPAHANNOCK
WRSWVAXA	WARSAW
BRWYVAXA	BROADWAY
EKTNVAXA	ELKTON
GRBRVAXA	GREAT BRIDGE
GRBRVAXB	BATTLEFIELD
HCKRVAXA	HICKORY
HRBGVAXA	HARRISONBURG
MGVLVAXA	MCGAHEYSVILLE
PRANVAXA	PRINCESS ANNE
PUNGVAXA	PUNGO
SMFDVAXA	SMITHFIELD

SAC CODE	STUDY AREA
195040	Verizon Virginia Inc.
CLLI	Wire Center
ASBNVAAS	ASHBURN
STCYVASC	STEPHENS CITY
HRWDVAHW	HARTWOOD
BEVLVABV	BERRYVILLE
CPCHVACC	CAPE CHARLES
CLPPVACU	CULPEPER
GOVLVAGV	GORDONSVILLE
CLPPVALI	LIGNUM
LOUSVALU	LOUISA
MRSHVAMA	MARSHALL
ONNCVAON	ONANCOCK
ORNGVAOR	ORANGE
PRKSVAPK	PARKSLEY
CLPPVARV	REVA
SRVLVASP	SPERRYVILLE
SPTSVASP	SPOTSYLVANIA
TMVLVATV	TEMPERANCEVILLE
WRTNVAWR	WARRENTOWN
EXMRVAEX	EXMORE
BDFRVABD	BEDFORD
BTHIVABT	BETHIA
LYBGVANL	NEW LONDON ROAD
PWHTVAPW	POWHATAN
RONKVABS	BONSACK
SWVLVASV	STEWARTSVILLE

Exhibit D

Study Area Code	ILEC Name	Wire Center Code	Wire Center
190217	Amelia Tel. Corp.	AMELVAXA	AMELIA COURT HOUSE
190225	Citizens Tel. Coop.-VA	ALRGVAXA	ALUM RIDGE
		BLLRVAXA	BALLARD
		FLYDVAXA	FLOYD
		LCGVVAXA	LOCUST GRV
		WILSVAXA	WILLIS
190226	Ntelos, Inc.	CFFRVAXA	CLIFTON FORGE
		CVTNVAXA	COVINGTON
		PTCKVAXA	POTTSCREEK
		WYBOVAXA	WAYNESBORO
190243	Pembroke Tel. Coop.	NWPTVAXA	NEWPORT, VA
		PMBRVAXA	PEMBROKE
190244	Peoples Mutual Tel. Co.-VA	GRETVAXA	GRETNA
		HURTVAXA	HURT
		RENNVAXA	RENAN
		SNLVVAXA	SANDYLEVEL
190249	Roanoke & Botetourt Tel. Co.	EGRKVAXA	EAGLE ROCK
		FNCVAXA	FINCASTLE
		ORSKVAXA	ORISKANY
		TRVLVAXA	TROUTVILLE
190254	Central Tel. Co. of VA	ALTVVAXA	ALTAVISTA
		ARRTVAXA	ARARAT
		ARVNVAXA	ARVONIA
		AXTNVAXA	AXTON
		BCHLVAXA	BACHESHALL
		BCHMVAXA	BUCKINGHAM
		BLCSVAXA	BLACKSTONE
		BNMLVAXA	BOONESMILL
		BNVSVAXA	BUENAVISTA
		BRBGVAXA	BROWNSBURG
		BRDNVAXA	BRODNAX
		BRKNVAXA	BROOKNEAL
		BRVLVAXA	BURKEVILLE
		BSSTVAXA	BASSETT
		BTCHVAXA	BURNTCHMNY
		BVRDVAXA	BEAVERDAM
		CHVLVAXA	CHARLOTSVL
		CHVLVAXB	CHARLOTSVL
		COVLVAXA	COLLINSVL